



PTO/SB/21 (08-00)

# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Application Number	10/658,529
Filing Date	09/10/2003
First Named Inventor	Cary James MILLER, ET AL.
Group Art Unit	1641
Examiner Name	Melanie J. YU
Attorney Docket Number	215105.01500

Total Number of Pages in This Submission

2

## ENCLOSURES *(check all that apply)*

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Response to Requirement for Restriction and Election of Species.
<div>Remarks</div>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Andrew J. Bateman, Registration No. 45,573
Signature	
Date	07/13/2006

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name			
Signature		Date	



Attorney Docket No. 215105.01500  
Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	
	)	Examiner: Melanie J. YU
Cary James MILLER, et al.	)	
	)	Group Art Unit: 1641
Application No.: 10/658,529	)	
	)	Confirmation No.: 5356
Filed: September 10, 2003	)	
	)	
For: IMMUNOASSAY DEVICE WITH	)	
IMMUNO-REFERENCE	)	Date: July 13, 2006
ELECTRODE	)	

**RESPONSE TO REQUIREMENT FOR RESTRICTION AND  
ELECTION OF SPECIES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Office Action dated June 13, 2006, requiring restriction under 35 U.S.C. § 121, Applicants hereby provisionally elect, without traverse, the Group I invention, comprising claims 1-12 and drawn to an immunosensor system comprising a first immunosensor and a second immunosensor, classified in class 435, subclass 287.1.

Applicants reserve the right to file one or more divisional applications directed to the non-elected inventions.

In addition, as the Group I invention has been elected, the Patent Office has required an election of species under 35 U.S.C. § 121 to one species from each of Groups A and B and a listing of all claims readable thereon. Applicants hereby provisionally elect, without traverse, the species of "electrochemical" from Group A and the species "plasma protein" from Group B. It is respectfully noted that the Patent Office has indicated that claim 1 is

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generic. Therefore, Applicants respectfully submit that claims 1, 2, 5-7 and 9-12 of the elected Group I invention are readable on the elected species of Groups A and B.

Should the Examiner have any questions regarding this response or the application in general, the Examiner is urged to contact the Applicants' attorney, Andrew J. Bateman, by telephone at (202) 625-3547. All correspondence should continue to be directed to the address given below.

Respectfully submitted,  
KATTEN MUCHIN ROSENMAN LLP

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